IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34221 of 2006(Y)

OS.1173/2005 of SUB COURT,THRISSUR

.....

PETITIONER:

QUALITY TREAD (INDIA) PRIVATE LIMITED, PAZHOOKKARA, ANNALLUR.P.O., CHALAKUDY, THRISSUR, PIN-680307 REP. BY ITS MANAGING DIRECTOR, P.P.SUKUMARAN

BY ADV. SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY

RESPONDENTS:

---

1. KERALA FINANCIAL CORPORATION, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN-695033 REP. BY ITS MANAGING DIRECTOR.

2. THE BRANCH MANAGER, KERALA FINANCIAL CORPORATION DISTRICT OFFICER, K.M.M. COMPLEX, KOKKALA, THRISSUR.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.34221 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is challenging the order returning plaint under Order VII Rule 10 of Code of Civil Procedure. Under Order XLIII Rule 1 (a) of the Code an order passed under Rule 10 of Order VII returning a plaint is an appealable order. When petitioner has a substantive right of appeal, the extra ordinary jurisdiction of this court under Article 227 of Constitution of India cannot be invoked. This petition is dismissed with liberty to challenge the order in an appeal.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.